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DCI/IC-77-3020

2 MAR 1977

MEMORANDUM FOR: [REDACTED] 25X1
Deputy to the DCI for the Intelligence
Community

FROM : [REDACTED] 25X1
Chief, Human Resources Division

VIA : [REDACTED] 25X1
Director of Performance Evaluation and
Improvement

SUBJECT : PRM/NSC-11 and Establishment of National
Counterintelligence Policies and
Coordinating Mechanisms

1. Issuance of PRM/NSC-11 on 22 February 1977 suggests a modification in our staff preparations aimed at establishing a national counterintelligence (CI) policy and coordinating structure.

2. We have therefore prepared a briefing and planning paper and a transmittal memorandum which could be used to bring this question before Admiral Turner. In response to several questions by Senator Mathias in Admiral Turner's pre-confirmation Committee hearing, the Admiral stated that he regarded CI as important and that he would give his early personal attention to it. We believe the action involved is directly responsive to this and would also help regain the momentum on this matter with the new Administration.

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Attachments:
Transmittal Memorandum
and Briefing and
Planning Paper

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(2 March 1977)

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DCI/IC-77-3021

8 MAR 1977

MEMORANDUM FOR: Admiral Stansfield Turner, USN

FROM :

[REDACTED]
Deputy to the DCI for the
Intelligence Community

25X1

SUBJECT : PRM/NSC-11 and Establishment of National
Counterintelligence Policies and
Coordinating Mechanisms

1. The Intelligence Community Staff has been supporting the DCI in developing a plan for a national foreign counter-intelligence (CI) policy and coordinating structure. The DCI circulated detailed proposals in December 1976 to concerned principals within the Community. Our objective was to have the basic staff work already done to permit early presentation to and consideration by the new Administration. The last of the addressees has recently responded.

2. Issuance of PRM/NSC-11 on 22 February 1977, however, requires an adjustment in our staff procedure to accomplish the new structure. I am therefore attaching a background and planning paper for your approval. I believe it desirable that we regain our forward momentum in this matter with the new Administration.

3. The attachment is self-explanatory. I suggest that we now enlist the support of the FBI Director for a joint meeting with the Attorney General (AG). The objective would be to accomplish the next step in the attached plan -- securing the new AG's agreement in principle to chair a proposed NSC Policy Review Committee on National CI Policy [PRC (CI Policy)].

4. Chairmanship by the AG is vital to a successful new national CI structure. As the nation's chief legal officer, the AG is the only national level officer, below the President, whose authority encompasses the FBI's domestic

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foreign CI activities and its domestic internal security functions. He is thus best able to define uncertain problem areas. He can also best bridge the gap between the FBI and other foreign CI agencies and assure that provisions are made for protection of the rights of individuals.

5. I do not believe that the negative view of this proposed role for the AG, which former Attorney General Levi held and which is described in the attachment, was based on full consideration of all relevant factors. Mr. Levi waited until after the elections before responding to a September 1976 DCI request for his views, then expressed some doubts and suggested that the original proposal be circulated to affected principals for comment and appropriate follow-up discussion. All recipients of that proposal now favor the AG's chairmanship in principle, as described in the attachment.

6. If you concur, my staff will make informal preliminary arrangements for to join us in approaching Attorney General Bell.

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Admiral, USN
D/DCI/IC

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Attachment:
Background and Planning
Paper

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SUBJECT: PRM/NSC-11 and Establishment of National Counter-intelligence Policies and Coordinating Mechanisms

1. Background:

PRM/NSC-11 dated 22 February 1977 requests the Special Coordination Committee to assess E.O. 11905 in the light of experience gained over the last year, including "an analysis of national counterintelligence policies and coordinating mechanisms."

2. E.O. 11905 and Counterintelligence Deficiencies:

E.O. 11905 established some restrictions affecting counterintelligence (CI) activity but did not meet the principal CI deficiencies.

- o We have no national policy or structure.
- o Coordination is inadequate.
 - CIA coordinates CI operations abroad.
 - FBI coordinates CI operations in the U.S.
 - There is no centralized coordination in DoD.
 - There is no overall national coordination.
- o The long-standing CI mission of DoD is omitted (from E.O. 11905).
- o CIA and FBI resources are in the National Foreign Intelligence Program; DoD's are not. ?
- o Our ability to defend ourselves against sizeable Soviet/East European/Cuban intelligence efforts against us worldwide is thereby handicapped.

3. Church Committee and PFIAB Recognition of CI Deficiencies:

- o The Church Committee recognized the CI deficiencies and recommended:
 - The creation of a new NSC CI Committee (established by statute) with the Attorney General as Chairman; and
 - A classified Presidential review of current CI issues to provide for enunciation of a classified Presidential statement on national CI policy and objectives.

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- o The President's Foreign Intelligence Advisory Board (PFIAB) has characterized national CI policy guidance as insufficient and CI policy-level coordination as inadequate. PFIAB has recommended:

- "The development by the Attorney General, in consultation with the DCI, of a national CI policy directive;" and

- "The establishment at a senior level of a CI coordinating mechanism....responsible to the DCI and the Attorney General."

4. Remedial Steps Already Taken:

- o The Intelligence Community Staff (ICS) in support of the DCI, drafted in mid-1976 a proposed unclassified Executive Order. It would establish an Attorney General (AG)-chaired NSC-level National Counterintelligence Policy Committee (NCPC) with a subordinate working body.

- The AG was designated chairman because as the nation's chief legal officer:

- He can best bridge the gap between the FBI and other CI agencies; and

- He can best assure that individuals' rights are protected.

- CI in the E.O. does not include protective security functions or criminal investigations. It does include foreign CI collection, investigations for operational leads, operations and production.

- o On 6 September 1976 the DCI sent the above draft E.O. to the AG for initial comments.
- o The AG responded on 12 November 1976. He then questioned the advisability of his chairing the NCPC, as proposed, but agreed that the views of others should be solicited.
- o The DCI did this by memo on 10 December 1976. The last of the addressees has recently responded.

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- DoD, State, and CIA have all supported the proposal in principle, including the chairing of the new structure by the AG.
- The FBI was also supportive but favored its Director as chairman.
- Recent informal discussions with the FBI indicate it too would recommend the AG as chairman--providing he is willing.

5. Future Planning:

- o Secure the agreement in principle of the new AG to chair an NSC Policy Review Committee on National CI Policy [PRC (CI Policy)]. It would have one or more subordinate working groups.
- o Obtain the approval of the Assistant to the President for National Security Affairs (Dr. Brzezinski) for a CI Community working group under IC Staff auspices to revise the original DCI proposal to reflect:
 - Inputs already made by Community agencies to the DCI on the original proposal;
 - New insights; and
 - The reorganization of the NSC structure.
- o Present a draft Presidential Directive (PD/NSC) to the NSC Special Coordination Committee for consideration and subsequent submission to the President.
- o The PD/NSC would:
 - State the objective(s);
 - Define the key terms;
 - Identify the U.S. agencies authorized to engage in foreign CI activities;
 - Specify the composition of the PRC (CI Policy);
 - Detail responsibilities for:
 - Issuing national CI policy guidance;
 - Resolving implementation problems including coordination, training, liaison, and methods of operation;

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- Establishing priorities and objectives;
- Deciding guidelines for maintenance of foreign CI records;
- Assuring foreign CI information is disseminated in timely and useful studies or reports to CI users;
- Evaluating periodically the execution of foreign CI activities;
- Reviewing particularly sensitive and important foreign CI operations;
- Providing staff support to the PRC (CI Policy) and its working group(s); and
- Requiring compliance with PDs and PRC (CI Policy) decisions.

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